

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 25, 2004

DIVISION ONE

B164648 People, ex rel. (Not for Publication)
 v.
 Mo & Su Co., et al.

The November 27, 2002 order is reduced by \$690.90 to award costs and attorney fees totaling \$77,505.15, and as so modified, the order is affirmed. Plaintiff is entitled to costs on appeal.

Mallano, J.

We concur: Ortega, Acting P.J.
 Vogel (Miriam A.), J.

B166933 Irene Moreno, et al. (Not for Publication)
 v.
 Basil Spirtos, et al.

The judgment is affirmed. Respondent Irene Moreno is entitled to costs on appeal.

Mallano, J.

We concur: Spencer, P.J.
 Ortega, J.

B168739 People (Not for Publication)
 v.
 Flores

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
 Mallano, J.

March 25, 2004 (Continued)

DIVISION ONE (Continued)

B163961 People (Not for Publication)
v.
Tanielian

We reverse Tanielian's counts 22-24 and 37 convictions, and vacate the sentence imposed on 54. We remand for the trial court to dismiss 22-24 and 37 with prejudice, stay the sentence imposed on count 54, recalculate the sentence after eliminating the terms for those counts, prepare and amended abstract if judgment and forward it to the Department of Corrections. In all other respects we affirm the judgment.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B168855 People (Not for Publication)
v.
Lizarraga

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B166667 People (Not for Publication)
v.
McReynolds

The judgment is affirmed. The clerk of the trial court is directed to prepare a corrected abstract of judgment and to forward it to the Department of Corrections.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

DIVISION ONE (Continued)

B166438 Los Angeles County, D.C.S. (Not for Publication)
v.
Deborah G.

The juvenile court's April 11, 2003 order denying appellants motion for a bonding study and ins June 12, 2003 order denying the section 368 petition

Spencer, P.J.

We concur: Ortega, J.
 Mallano, J.

B162372 People (Not for Publication)
v.
Hart

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Mallano, J.

B169765 People (Not for Publication)
v.
Mejia

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
 Mallano, J.

March 25, 2004 (Continued)

DIVISION ONE (Continued)

B168318 Jobfinders International, Inc., et al. (Not for Publication)
 v.
 Leicht

The order is affirmed. JobFinders and Wellington Burke are awarded their costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Jim Guzman and
Melvin Ashmon, Deputy Clerks.

Each of the following:

B163702 People v. Cruz
B164978 People v. Martin & Medina
B168120 People v. Glover

Argument waived, cause submitted.

B162722 People
 v.
 Samuel

Merits:
Argued by Jean Matulis for appellant and by Cory Robins for respondent.
Cause submitted.

DIVISION TWO (Continued)

B166700 People
 v.
 Rudy F.

Merits:
Argued by Kiana Sloan-Hiller for appellant and by Michael Wise for respondent. Cause submitted.

B161443 Amanda T., et al
 v.
 Los Angeles Unified School District, et al

Merits:
Argued by Bob Clark for appellants and by Raul Martinez for respondents. Cause submitted.

B167284 Stryker
 v.
 Antelope Valley Community College District, et al.

Merits:
Argued by Lawrence Rosenzweig for appellant and by Mary Dowell for respondents. Cause submitted.

B166208 Richardson
 v.
 City of Los Angeles, et al.

Merits:
Argued by Diane Marchant for appellant and by Claudia Mcgee Henry for respondents. Cause submitted.

DIVISION TWO (Continued)

B163669 Jowdy, et al.
 v.
 American Title Company, et al.

Merits:
Argued by Gerald Shaw for appellant and by Robert Wallace for
respondents. Cause submitted.

B164972 Sacks, et al.
 v.
 Cayman Investment and Consulting Co., et al.

Merits:
Argued by Darlene Palaguas Kurt for appellants and by Lee Sacks for
respondents. Cause submitted.

B163865 Muhammad
 v.
 Ben Franklin Bank of Illinois

Merits:
Argued by Chijioke Ikonte for appellant and by Barry Sullivan for
respondent. Cause submitted.

B167785 Crowell
 v.
 Downey Regional Medical Center Hospital

Merits:
Argued by Claudia Serviss for appellant and by Matthew Walsh for
respondent. Cause submitted.

DIVISION TWO (Continued)

B164991 People
 v.
 Richardson

Merits:
Argued by Nancy Tetreault for appellant and by Timothy Weiner for
respondent. Cause submitted.

B167667 Sultan
 v.
 Ramirez

Merits:
Argued by Mohamed Sultan for appellant and by Stephen Feldman for
respondent. Cause submitted.

Court in recess.

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Jim Guzman &
Melvin Ashmon, Deputy Clerk.

Each of the following:

B162810 People v. Taylor
B166845 People v. Robinson
B172736 In re: Deshell F. DCFS v. Rayshell

Argument waived, cause submitted.

B164956 People
 v.
 Hahn and Roberson

Merits:
Argued by Allison Ting for appellant Hahn, by Marilee Marshall for
appellant Roberson. No Appearance by Respondent Cause submitted.

DIVISION TWO (Continued)

B165199 First Massachussetts Bank, N.A. (Banknorth)
v.
Serap, et al.

Merits:
Argued by George Juarez for respondent. No Appearance by Appellants.
Cause submitted.

B167508 Chipp
v.
The Salvation Army, et al.

Merits:
Argued by Brent Buchsbaum for appellant and by Carla Feldman for
respondents. Cause submitted.

B162820 Pheffer, et al.
v.
Orr, et al.

Merits:
Argued by Stephen Press for appellants and by Brian Panish for
respondents. Cause submitted.

B172122 In re Lucy V., et al,
Tomas V.
v.
Department of Children and Family Services

Merits:
Argued by Tomas Vikstrom for petitioners and by Pam Landeros for real
party in interest. No appearance by respondent Cause submitted.

DIVISION TWO (Continued)

B159732 Dalla, Inc.
 v.
 Petrossian, et al.

Merits:
Argued by Paul Weiner for appellant, by Robert Enders for respondent Petrossian and by Barak Isaacs for respondent M& M Automotive. Cause submitted.

B165003 Stavropoulos
 v.
 Mauad, et al.

Merits:
Argued by Luisa Jaffe for appellant, by Robert O. Marshall for respondent Mauad and by Lee A. Garry for respondent Stavropoulos. Cause submitted.

B158538 Kavajecz
 v.
 Evanston Insurance Co., et al.

Merits:
Argued by Richard M. Goodman for appellant and by Jason R. Litt for respondents. Cause submitted.

B166077 Wells, et al.
 v.
 Ciotti, et al.

Merits:
Argued by W. G. Wells for appellants and by Shahbod Kerendian for respondents. Cause submitted.

March 25, 2004 (Continued)

DIVISION TWO (Continued)

B165665 General Motors Corporation, et al.
v.
Franchise Tax Board

Merits:

Argued by Charles R. Ajalat for appellants and by Stephen Lew for respondent. Submission deferred pending ruling on appellants' request for judicial notice.

Court Adjourned.

DIVISION FOUR

B161009 People (Not for Publication)
v.
Yanez

The judgment is reversed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FIVE

B165226 Alicia Zepeda
v.
Liboria Camacho

Filed order denying petition for rehearing.

March 25, 2004 (Continued)

DIVISION FIVE (Continued)

B170615 Walter Centeno (Certified for Publication)

v.

Superior Court, Los Angeles County

(The People, r.p.i.)

The petition for writ of mandate is granted. The trial court is directed to consider whether the six proposed tests to which defendant objects are reasonably related to the issue of measuring mental retardation for Atkins purposes, and if any test is deemed unrelated to the issue, amend its order to foreclose prosecution examination of defendant with that test. The trial court is also directed to conduct further mental retardation proceedings consistent with Penal Code section 1376 and this opinion.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Mosk, J.

DIVISION SEVEN

B168720 People

v.

Cilley

Filed order denying petition for rehearing.

DIVISION EIGHT

B160597 Curl (Not for Publication)

v.

Roe

The judgment is reversed. Each party to bear their own costs.

Cooper, P.J.

We concur: Rubin, J.
 Boland, J.

DIVISION EIGHT (Continued)

B164936 People (Not for Publication)
v.
Swait

For the reasons set forth above, the judgment is modified only insofar as it imposed section 666.5 sentence enhancements on counts one and two and section 667.5, subdivision (b) enhancements on counts two and three. The clerk of the superior court is directed to amend the abstract of judgment accordingly and transmit a copy of the corrected abstract to the Department of Corrections. In all other respects, the judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.

B161761 Schools Excess Liability Fund (Not for Publication)
v.
Westchester Fire Insurance Co

The judgment is reversed and the matter is remanded for further proceedings consistent with this opinion. The parties are to bear their own costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B165123 People (Not for Publication)
v.
Lopez

The judgment is affirmed.

Cooper, P.J.

We concur: Boland, J.
Flier, J.

March 25, 2004 (Continued)

DIVISION EIGHT (Continued)

B161695 People (Not for Publication)
v.
Kyolyian

The judgment is conditionally reversed and remanded for further proceedings consistent with the opinions expressed herein.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.

B166805 People (Not for Publication)
v.
Plantillas

The judgment is affirmed.

Rubin, Acting P.J.

We concur: Boland, J.
 Flier, J.